ORDINANCE NO. 10

Series, 1957

AN ORDINANCE REGULATING THE SALE, GIFT OR POSSESSION OF ALCOHOLIC LIQUOR, PROVIDING PUNISHMENT FOR THE VIOLATION THEREOF, REPEALING ANY ORDINANCE OR PORTION THEREOF IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1: Definitions

(1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one per cent alcohol by volume, in every liquid or solid, patented or not, containing alcohol, and capable of being consumed by human beings.

(2) The words, "sell" or "to sell" include the following:

(a) To solicit or receive an order.
(b) To deliver for value or in any way other than purely gratuitously.
(c) To peddle.
(d) To keep with intent to sell.
(e) To traffic in.
(f) For any consideration, promise or obtain, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured by any other person.

(3) The word "sale" means every act of selling as defined in subsection (2) above described.

(4) The word "person" includes an individual, partnership, corporation, association or club.

(5) "Common nuisance" means any room, house, building, structure, place or kind where alcoholic liquor is sold, bartered or given away in violation of the laws of the State of Oregon, or where any person or persons are permitted to resort for the purpose of drinking alcoholic liquor in violation of the laws of the State of Oregon, or any place where alcoholic liquor is kept for sale, barter or gift in violation of the laws of the State of Oregon.

Section 2: Violations

(1) No person licensed by the State of Oregon under the Liquor Control Act and/or Oregon Distilled Liquor Control Act, shall sell, or offer for sale, or give away any alcoholic liquor, in a manner, or to a person, other than in a manner his liquor license so permits.

(2) No person shall sell alcoholic liquor to any person under the age of twenty-one years, to a person who is visibly intoxicated, or to a person who has been interdicted.

(3) No person other than a parent, guardian or other responsible relative, shall give any alcoholic liquor to any person under the age of twenty-one years.

(4) No person shall give any alcoholic liquor to a person visibly intoxicated or to a person under an order of interdiction.

(5) No person under the age of twenty-one years shall possess, purchase or offer or attempt to purchase any alcoholic liquor.

(6) No person under an order of interdiction shall possess, purchase or offer or attempt to purchase any alcoholic liquor.

(7) No person shall maintain or assist in maintaining a common nuisance.

Section 3: Any ordinance of the City of Elgin or any clause, sentence, sub-division or section of any ordinance of the City of Elgin in conflict with this ordinance is to the extent of such conflict hereby repealed.

Section 4: If any word, clause, sentence, sub-division or section of this ordinance shall for any reason be declared invalid by a Court of competent jurisdiction, such decision shall not affect, impair nor invalidate any other word, clause, sentence, sub-division or section of this ordinance. But said decision by said Court shall be confined in its operation to the particular word, clause, sentence, sub-division or section of this ordinance involved in the controversy in which such decision and/or judgment may be rendered.

Section 5: Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, in the Municipal Court of the City of Elgin, be fined in a sum not more than $500.00, or imprisoned in the City Jail for a period of not more than 100 days, or both, in the discretion of said Municipal Court.

Section 6: Emergency

Inasmuch as the ordinances of the City of Elgin are incomplete and fail to regulate and prescribe punishment for the violation of such regulations, relative to the sale, gift or possession of alcoholic liquor, and that inasmuch as the City of Elgin has been confronted with the violations of the provisions of this ordinance heretofore, and it is necessary for the preservation of the peace, welfare and safety of the City of Elgin that this ordinance become effective upon the passage thereof, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of the members of the Council present at the time of its passage and upon the approval of the Mayor of said City.

PASSED this 10th day of December, 1957.

APPROVED this 10th day of December, 1957.

Rex C. Rowlet
Mayor

Attested to and filed this 10th day of December, 1957.

A P Miller
City Recorder